

09/12/03  
18351 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
12008.32USD1	029	831000	NGUYEN, DONGHAID	3729

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV347831300US  
Date of Deposit: September 12, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

21906 U.S. PTO  
10/662081  
09/12/03

DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/594,285, filed on June 15, 2000 entitled METHOD OF MANUFACTURING SMALL VOLUME IN VITRO ANALYTE SENSOR by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

<b>Full Name Of Inventor</b>	<b>Family Name</b> VIVOLO	<b>First Given Name</b> JOSEPH	<b>Second Given Name</b> A.
<b>Residence &amp; Citizenship</b>	<b>City</b> SAN FRANCISCO	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 1548 HAIGHT STREET	<b>City</b> SAN FRANCISCO	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94117/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> FUNDERBURK	<b>First Given Name</b> JEFFERY	<b>Second Given Name</b> V.
<b>Residence &amp; Citizenship</b>	<b>City</b> FREMONT	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 37670 CARRIAGE CIRCLE COMMON	<b>City</b> FREMONT	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94536/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> COLMAN	<b>First Given Name</b> FREDRIC	<b>Second Given Name</b> C.
<b>Residence &amp; Citizenship</b>	<b>City</b> OAKLAND	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 13864 CAMPUS DRIVE	<b>City</b> OAKLAND	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94605/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> KRISHNAN	<b>First Given Name</b> RAJESH	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> FREMONT	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> INDIA
<b>Post Office Address</b>	<b>Post Office Address</b> 4211 CENTRAL AVENUE, APARTMENT #1	<b>City</b> FREMONT	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94536/USA

1. ☒ Enclosed is the application; including the specification, claims, drawings, a signed oath or declaration from the prior application. The continuing application is as follows: 98 pages of specification, 17 claims, 1 page of abstract, 28 sheets of drawings, and 5 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 17 -20	0	x	\$18.00	0.00
<b>INDEPENDENT CLAIMS</b> 2 -3	0	x	\$84.00	0.00
			<b>BASIC FILING FEE:</b>	<b>\$740.00</b>
			<b>TOTAL FILING FEE:</b>	<b>\$740.00</b>

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:  
☒ Attached is a check in the amount of 740.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line the sentence:
7. ☒ A set of formal drawings (28 sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to TheraSense, Inc. located at Alameda, California.
10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
12. ☐ Fee for excess claims is attached.
13. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
14. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
15. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
16. ☒ Also Enclosed: Communication
17. ☒ Address all future communications to the **Attention of Mara E. Liepa** (may only be completed by attorney or agent of record) at the address below.


17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: 12 Sept 2003

  
Mara E. Liepa  
Reg. No. 40,066  
MELIEPA:rlr

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FELDMAN et al.	Examiner:	Unknown
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	September 12, 2003	Docket No.:	12008.32USD1
Title:	SMALL VOLUME IN VITRO ANALYTE SENSOR AND METHODS OF MAKING		

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CERTIFICATE UNDER 37 CFR 1.10:

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By:   
Name: Teresa Anderson

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Communication is being filed concurrently with a divisional application. The copy of the application filed herewith has been modified from the application from which it claims priority (Application No. 09/594,285, filed June 13, 2000) in the following manner:

The divisional application is directed to Species B (claims 86-96) from the parent application and to Species C (claims 64-69) from the parent application. Claims 64-69 (from the parent) are presented as claims 1-6 herein, and claims 86-96 (from the parent) are presented as claims 7-17 herein.

The title of the application has been amended to better reflect the claimed subject.

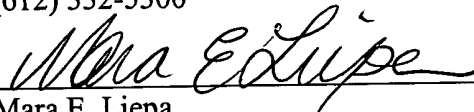
Amendments made to the specification of the parent application during prosecution of the parent application have been incorporated into this filed copy.

The Patent Office is invited to telephone the undersigned at the below-listed telephone number if there are any questions.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: *12 Sept 2003*

  
Mara E. Liepa  
Reg. No. 40,066